

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRENT MOHLMAN,

Plaintiff, Civil Action No. 15-11085
v. Honorable Gerald E. Rosen
Magistrate Judge Elizabeth A. Stafford

DEUTSCHE BANK NATIONAL
TRUST COMPANY, Trustee for
LONG BEACH MORTGAGE
LOAN TRUST 2006-1,

Defendant.

/

**ORDER STRIKING PLAINTIFF'S SUR-REPLY [R. 18] AND REQUIRING
PLAINTIFF'S COUNSEL TO SHOW CAUSE WHY SANCTIONS SHOULD
NOT BE IMPOSED FOR REPEATED VIOLATIONS OF LOCAL RULES**

Defendant filed a motion to dismiss on March 31, 2015. [R. 3]. The motion is fully briefed – as Plaintiff Brent Mohlman responded [R. 15] and Defendant filed a reply brief [R. 17]. The Honorable Gerald E. Rosen referred Defendant's motion to dismiss to this Court for report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). [R. 11].

On June 30, 2015, Mohlman filed a 12-page sur-reply brief without leave of Court, in violation of the Local Rules of this District. [R. 18]. The Local Rules do not provide a non-moving party the right to file a sur-reply to the movant's reply brief; such a pleading is only permitted by obtaining

leave of Court. Furthermore, the text of a reply brief may not exceed seven pages. E.D. Mich. [LR 7.1\(d\)\(3\)\(B\)](#). Mohlman failed to seek leave of Court before filing his sur-reply, and the text of his brief exceeds the page limit. Mohlman's sur-reply [R. [18](#)] is **STRICKEN**.

This is the third time Mohlman's counsel has violated the Local Rules while briefing Defendant's motion to dismiss. [See R. [12](#), [14](#)]. The Court previously warned counsel "that any continued failure to comply with the Court's local rules will result in an order to show cause why sanctions should not be imposed pursuant to [LR 11.1](#) and [Fed. R. Civ. P. 11\(c\)](#)." [R. [14](#), PgID 486].

Thus, the Court orders Mohlman's counsel to show cause in writing by July 10, 2015 why sanctions should not be imposed for repeated violations of the Local Rules of this District. Counsel must appear for a show cause hearing on Wednesday, July 22, 2015 at 10:00 a.m.

IT IS ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: June 30, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 30, 2015.

s/Marlena Williams
MARLENA WILLIAMS
Case Manager